

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

v.

William G. Caldwell,

Defendant.

MAGISTRATE JUDGE

COMPLAINT

04
Court No.

10412 RGS

RECEIPT # _____
AMOUNT \$ N/A
SUMMONS ISSUED NA
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. Tom
DATE 3/1/04

The United States of America, by its attorney, Michael J. Sullivan, United States

Attorney for the District of Massachusetts, states as its complaint that:

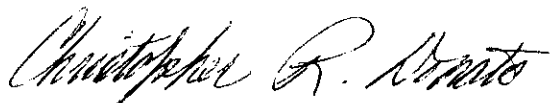
1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. § 1345.
2. The defendant, William G. Caldwell (hereinafter "Caldwell"), resides in the District of Massachusetts at 21 Dunstable Road, Westford, MA 01886.
3. Caldwell is indebted to the United States in the principal amount of \$92,813.24 plus interest computed at the rate of 4.0 percent per annum for a total amount of \$94,166.05 as of February 20, 2004. Thereafter, interest on the principal amount will accrue at the rate of 4.0 percent per annum until the date of judgment. See Exhibit "A" attached hereto and incorporated herein.
4. Caldwell has failed to repay the aforesaid sum although demand has been duly made.

WHEREFORE, the United States demands judgment against Caldwell in the principal amount of \$92,813.24; plus interest in the amount of \$1,352.81; plus interest on this principal at an annual rate of 5 percent per annum until the date of judgment. The United States further demands, pursuant to 28 U.S.C. § 1961, that interest on the judgment accrue at the legal rate until paid in full.

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By: 

CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3288

Dated: March 1, 2004



DEPARTMENT OF HEALTH & HUMAN SERVICES

Program Support Center

Rockville MD 20857

CERTIFICATE OF INDEBTEDNESS

William G. Caldwell, D.D.S.
21 Dunstable Road
Westford, MA 01886-1319

Total debt due United States as of February 20, 2004: \$94,166.05 (principal \$92,813.24, interest \$1,352.81, administrative costs \$0.00).

I certify that the Department of Health and Human Services records show that the debtor named above is indebted to the United States in the amount stated above, plus additional interest on the principal balance of \$86,476.92 from February 20, 2004, at the rate of 4.00%. Interest accrues on the principal amount of this debt at the rate of \$10.17 per day. Interest is computed at a variable rate and is adjusted quarterly. Due to the semi-annual compounding of interest, the current principal amount is greater than the original amount borrowed.

The claim arose in connection with a Government-insured Health Education Assistance Loan (HEAL) made by a private lender and assigned to the United States.

SLMA - Claim # 50025921

As a student at the Washington University, School of Dental Medicine, you applied for and were granted the following Health Education Assistance Loans (HEAL), Section 701-720 of the Public Health Service Act (42 U.S.C. 292 f-p).

<u>Date Applied</u>	<u>Date Approved</u>	<u>Amount Approved</u>	<u>Date of Promissory Note</u>	<u>Amount of Promissory Note</u>
04/08/85	05/29/85	\$ 7,900.00	06/16/85	\$ 7,900.00
07/15/85	07/29/85	\$ 3,500.00	07/16/85	\$ 3,500.00
10/16/86	11/04/86	\$12,000.00	11/14/86	\$12,000.00
02/11/87	03/10/87	\$ 3,000.00	03/11/87	\$ 3,000.00

You signed promissory notes agreeing to repay the loans at a variable rate of interest beginning the first day of the tenth month after ceasing to be a full-time student or completing a residency program. The Student Loan Marketing Association (SLMA) purchased your notes and received an assignment.

Upon your leaving Washington University, School of Dental Medicine, you were furnished a repayment schedule by the Student Loan Servicing Center with notification that payments were to begin February 22, 1988. You did not make any payments.



PAGE 2 - CERTIFICATE OF INDEBTEDNESS - WILLIAM G. CALDWELL, D.D.S.

Due to your failure to make payments, the SLMA filed an insurance claim on November 2, 1988, with the Department of Health and Human Services (DHHS). The claim in the amount of \$33,772.00 was paid on December 2, 1988, and an assignment of the notes was received.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Between December 8, 1988, and January 27, 1990, Skyline sent you several letters regarding your delinquent debt. You did not respond.

In a letter dated September 12, 1990, you were sent instructions for entering into a repayment agreement (RA) with notice that it must be completed and returned within thirty (30) days. You were informed that failure to respond would result in your debt being referred to the U.S. Department of Justice (DOJ). You did not respond.

In a letter dated September 25, 1990, you were notified that the principal amount of your debt would be referred to the IRS for offset of any tax refund to which you might be entitled unless payment in full was received. You did not make any payments, nor did you respond.

On April 19, 1991, and April 30, 1991, you were sent notices to respond within fifteen (15) days indicating how you intended to resolve your delinquent indebtedness. You were advised that failure to respond within fifteen (15) days or continued non-contact and non-cooperation would result in your case being referred to the DOJ for enforced collection. You did not comply.

On May 30, 1991, you were sent an RA to be signed and returned with your first monthly payment. Your signed RA dated June 3, 1991, in which you agreed to make monthly payments of \$151.05 beginning July 1, 1991, was approved on June 7, 1991.

You submitted twenty-nine (29) payments during the period of July 11, 1991, to November 10, 1993, totaling \$3,067.30.

In a letter dated November 18, 1993, you were sent a Financial Status of Debtor form to be completed and returned in order to reschedule the payment of your HEAL debt. You were informed that if the requested information was not received within thirty (30) days, your debt would be referred to the DOJ. You returned the signed form dated December 18, 1993.

You submitted twenty-five (12) payments during the period of December 9, 1993 to April 3, 1995, totaling \$1,212.60.

On August 16, 1995, you were notified that you had sixty (60) days in which to resolve your delinquent debt. You were advised that if you were unwilling to establish an RA, your case would be immediately referred to the Office of the Inspector General (OIG) for exclusion from participation in the Medicare/Medicaid Programs. The letter also informed you that in the event you did not enter into an RA, your debt would be referred to the DOJ for enforced collection. You did not comply.

You made one (1) payment totaling \$101.05 on September 13, 1995.

In a letter dated October 4, 1995, you were notified that the principal amount of your debt would be referred to the IRS for offset of any tax refund to which you might be entitled unless payment in full was received. You did not make any payments, nor did you respond.

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In several letters dated between October 30, 1995, and January 18, 1996, you were sent an RA to be signed, notarized, and returned with your first monthly payment. You were advised that failure to do so would result in your debt being referred to the DOJ for enforced collection.

You made one (1) payment totaling \$400.00 on November 20, 1995.

On February 7, 1996, you were notified that your account was delinquent. You were advised that failure to bring your account current within fifteen (15) days would result in your case being referred to the DOJ for enforced collection. You did not respond.

You submitted fifteen (15) payments during the period of February 22, 1996 to April 7, 1998, totaling \$1,675.00.

You signed RA dated September 30, 1998, in which you agreed to make monthly payments of \$50.00 beginning October 18, 1998, was approved on October 8, 1998.

By letter dated January 6, 1999, you were notified that your account had been referred to Payco American Corporation for collection. You were advised that your account would be referred to the DOJ if you failed to either remit payment in full or enter into an RA. You did not make any payments, nor did you respond.

On October 23, 2000, you made a payment in the amount of \$582.00.

On April 30, 2001, you were notified that you had sixty (60) days in which to resolve your delinquent debt. You were advised that if you were unwilling to establish an RA, your case would be immediately referred to the OIG for exclusion from participation in the Medicare/Medicaid Programs and your debt would be referred to the DOJ for enforced collection. You remained unresponsive.

On January 30, 2002, because of your lack of cooperation the federal government exercised its option and declaring your note due and payable. Accordingly, your HEAL debt was referred to the DOJ for enforced collection.


From December 9, 2002, through July 3, 2003, you submitted four (4) payments in the amount of \$1,333.75 to the Department of Justice.

To date, a total amount of \$8,371.70 has been credited to your account.

The amount due should be remitted by check, draft or money order(s) payable to the "U.S. Department of Justice" and mailed directly to the United States Attorney, District of Massachusetts, One Courthouse Way, U.S. Courthouse, Suite 9200, Boston, MA 02210.

CERTIFICATION: Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct.

2/23/04
Date



Barry M. Blum
Chief, Referral Control Section
Debt Management Branch